

ENTERED

March 18, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CHRISTOPHER BRIAN COLBERT,
TDCJ #02245499,
Petitioner,

VS.

ERIC GUERRERO,¹
Respondent.

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CIVIL ACTION NO. 4:25-CV-00042

ORDER TO TRANSFER

Petitioner Christopher Brian Colbert (TDCJ #02245499) filed this petition for a writ of habeas corpus while confined at the Wainwright Unit in Lovelady, Texas. Doc. No. 1. He challenges his conviction and sentence from Dallas County, Texas. *See id.* Federal petitions for habeas corpus for state prisoners “may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application.” 28 U.S.C. § 2241(d). Petitioner was convicted of his underlying criminal offense in Dallas County, Texas, and is confined in Lovelady, Texas, which is located in Houston County. Dallas County, Texas

¹ Bobby Lumpkin was the previous named respondent in this action. Eric Guerrero has succeeded Lumpkin as Director of the Texas Department of Criminal Justice, Correctional Institutions Division. Under Rule 25(d) of the Federal Rules of Civil Procedure, Guerrero is automatically substituted as a party.

is within the jurisdiction of the United States District Court for the Northern District of Texas, Dallas Division. *See* 28 U.S.C. § 124(a)(1). Houston County is within the jurisdiction of United States District Court for the Eastern District of Texas, Lufkin Division. *See* 28 U.S.C. § 124(c)(6).

A habeas application may be transferred to the district court within which the state court was held which convicted and sentenced the petitioner. 28 U.S.C. § 2241(d). Because petitioner was convicted in Dallas County, Texas, this habeas case should be handled in the Dallas Division of the Northern District of Texas. Accordingly, the Court **ORDERS** as follows:

1. This case shall be **TRANSFERRED** to the United States District Court for the Northern District of Texas, Dallas Division.
2. All further filings by the petitioner regarding his challenge to his Dallas County conviction shall be filed in the new case in the Northern District of Texas, Dallas Division, and not in this case.
3. All pending motions, if any, are denied without prejudice to such being asserted in the new case in the Northern District of Texas, Dallas Division.

SIGNED this 11th day of March 2025.



ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE